

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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SENIOR SETTLEMENTS, LLC,  
  
Plaintiff,  
  
v.  
  
GROWTH TRUST FUND, et al.,  
  
Defendants.

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HONORABLE JEROME B. SIMANDLE  
  
Civil No. 05-777 (JBS)

**ORDER**

This matter having come before the on the motion for partial summary judgment by Plaintiff Senior Settlements, LLC [Docket Item 31]; and a motion for complete summary judgment by Defendants Growth Trust, Abraham Weingarten, Michael Steinmetz, Leah Cohen and Bernat Steinmetz [Docket Item 32]; the Court having reviewed the submissions of the parties in support thereof and in opposition thereto; having heard oral argument on the motions; for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 27th day of **February, 2008** hereby

ORDERED that Plaintiff's motion for partial summary judgment [Docket Item 31] shall be, and hereby is, DENIED; and

IT IS FURTHER ORDERED that Defendants' motion for summary judgment shall be, and hereby is, GRANTED; and

IT IS FURTHER ADJUDGED AND DECREED that the disputed agreements are not valid or legally enforceable; and

IT IS FURTHER ADJUDGED AND DECREED that Defendant Growth Trust is the owner of the subject life insurance policies, free and clear of any claim asserted by Senior Settlements in this action; and

IT IS FURTHER ORDERED that Plaintiff shall account for and promptly refund, within twenty days of the entry of this Order, any and all monies withdrawn from the subject policies; and

IT IS FURTHER ORDERED Final Judgment shall be entered upon all counts in favor of Defendants.

**s/ Jerome B. Simandle**

JEROME B. SIMANDLE

United States District Judge